

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JEREMY ALLEN RUSSELL,)	
)	
Plaintiff,)	
vs.)	NO. CIV-20-0664-HE
)	
BECKLAHIMER BOWRAINALD,)	
)	
Defendant.)	

ORDER

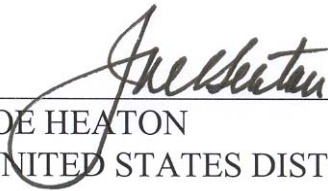
Plaintiff Jeremy Allen Russell, a state prisoner appearing *pro se*, filed this § 1983 action alleging various constitutional violations. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Shon T. Erwin. After conducting an initial review of the complaint, Judge Erwin ordered plaintiff to file an amended complaint and either pay the appropriate filing fee or file a motion to proceed *in forma pauperis*. Plaintiff filed an amended complaint using a § 2254 petition form, but Judge Erwin concluded that this failed to meet the requirements of his order. In addition, plaintiff has not paid the filing fee or filed a motion to proceed IFP. Judge Erwin has issued a Report and Recommendation recommending that this action be dismissed.

The Report advised plaintiff of his right to object to the Report by September 28, 2020. Plaintiff has failed to object to the Report thereby waiving his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #10]. Plaintiff's claims are **DISMISSED** without prejudice.

IT IS SO ORDERED.

Dated this 7th day of October, 2020.



JOE HEATON
UNITED STATES DISTRICT JUDGE